

Call to Order:

The meeting was called to order at 7:30 p.m. Present were Chair Zach Bergeron, members Vincent Chiozzi, Jay Doherty, Ann Knowles and Associate Member Steve Pouliot; also present was Paul Materazzo, Director of Planning.

139-143 Elm Street and 26 Pine Street:

Mr. Bergeron opened the public hearing for 139-143 Elm Street and 26 Pine Street, a Special Permit for Elderly Housing.

On a motion by Ms. Knowles seconded by Mr. Doherty the Board moved to continue the public hearing without discussion to December 16, 2014 at 8:00 p.m. at Memorial Hall Library. **Vote:** Unanimous (5-0).

Phillips Academy Boathouse:

Susan Stott of 30 Pasho Street addressed the Board in regards to the ongoing discussions on the purchase of the Phillips Academy Boathouse parcel. She would like the Planning Board to take a position on the Boathouse because it would be a great acquisition of open space for the Town.

Ms. Stott passed out a GIS map of the property and surrounding parcels to the Board and explained ownership. She informed the Board that the right of way Heffron Drive ends at the Boathouse parcel and if someone else buys the property the Town may lose their access to the Merrimack River. At a minimum she would like to see an extension of the right of way and for conservation restrictions to be put on the property. Currently there is a walking path from Tewksbury to Lawrence along the River. This is a unique property that would provide access to the river for Police and Fire.

Mr. Bergeron asked if the Town currently does not have river access and Ms. Stott stated that it does not. Mr. Bergeron noted that the Planning Board recommended approval of Article 56 but made no recommendation on the financial aspect. Ms. Stott stated that Article 56 was a reappropriation of \$800,000.00 from the Reichhold property that was sold to private owners instead of the Town. Article 56 authorized a transfer of funds for the purchase of designated properties on a list provided. The Boathouse was a top priority on the list. It was agreed that until the Boathouse came up for sale, no other properties would be explored.

Mr. Doherty asked about the size of the property, and Ms. Stott stated that it is 7.9 acres. Ms. Knowles asked if it is all upland. Ms. Stott stated that it is pretty flat. Mr. Pouliot asked how wide the path is. Ms. Stott stated that the Right of Way is 20 ft wide. Mr. Pouliot asked if vehicles can access it. Ms. Stott stated that vehicles can, but the path is not in great shape. Mr. Pouliot asked if the abutting properties are used to vehicles accessing the parcel. Ms. Stott answered that they are and the abutting parcels are the Greater Lawrence Vocational School and the Marriott. Mr. Materazzo stated that the Master Plan talks about open space and expanding opportunities along the Merrimack River. Ms. Stott added that the money has already been appropriated for this.

Bob Pokress of 3 Cherrywood Circle asked how this became a top priority for the Town. He is concerned that with a looming deadline, the Town is having a gun put to its head. He asked

Phillips Academy Boathouse (cont'd):

where the Planning Boards stands on this as a priority. Mr. Bergeron reminded Mr. Pokress that this property was included in the properties listed as a priority for acquisition at Town Meeting. Mr. Pokress noted that the list was not prioritized in the Town Meeting article.

Mr. Doherty stated the Board already took a stance on this at Town Meeting. Mr. Bergeron asked Ms. Stott what she was asking of the Board. Ms. Stott noted that in the past the Town would appropriate money every year at Town Meeting for the purchase of open space. Only recently has the Town appropriated money for certain parcels. This money was appropriated for Reichhold but it was never spent, so it is already in the Town's debt model. At the last Town Meeting, the Conservation Commission put forth properties that should they ever become available, the Town should be interested in buying and protecting. At the time of Town Meeting, the Town knew that Phillips had moved to a new boathouse in Methuen, and the parcel would be coming up for sale. In an ideal world the Planning Board would send a letter to the Board of Selectmen detailing their prior support for the warrant article at Town Meeting, and at a minimum ask if they can get deeded access to the extension of Heffron Way.

Mr. Pouliot asked what could go on the parcel if the Town did not purchase it. Mr. Materazzo stated that the parcel has no real frontage. He reminded the Board that they supported the article at Town Meeting and it is part of the Master Plan. The Board's past practice is to not opine on the money. Ms. Knowles noted that there are a lot of good reasons to show support for this purchase including the access to the river for both recreation and for public safety reasons. Mr. Materazzo stated that he could draft a letter to the Board of Selectmen and forward it to Mr. Bergeron for approval. The letter would reinforce what the Board supported at Town Meeting. Mr. Chiozzi stated that he didn't want to mislead people that this was the best property on the list of properties. Mr. Doherty noted that he is indifferent about it.

George Thorlin of 115 Summer Street stated that the Planning Board should take a leadership position. They should rate the parcels of land and prioritize them. Mr. Chiozzi stated that if they publically prioritize the land, the Town's negotiating power would be ruined.

Bob Pokress of 3 Cherrywood Circle noted that unlike other properties that are owned by the Town and left natural, this type of property will need ongoing maintenance with annual costs associated with that. The Board's position needs to be an informed one that takes costs into account, especially if they are recommending one property over another.

Mr. Bergeron stated that he would like to send a recommendation based on the Board's support of the Town Meeting Article, the Master Plan and public safety. Mr. Pouliot noted that costs are a big part of it. Mr. Bergeron stated that if the property doesn't move forward, they can look into prioritizing the parcels. Mr. Materazzo noted that they can invite the Conservation Commission to a meeting.

Jillian Way:

On a motion by Mr. Chiozzi seconded by Mr. Doherty the Board moved the performance guarantee for Jillian Way, which would serve six lots be set in the amount of \$100,900.00. No

Jillian Way (cont'd):

Clearance Certificates will be issued until the relevant conditions of approval have been completed. **Vote:** Unanimous (5-0).

On a motion by Mr. Chiozzi seconded by Mr. Doherty the Board moved to approve the establishment of the Erosion & Stabilization Control Bond by the developer in the amount of \$3,700.00 pursuant to Condition #35 of the Definitive Subdivision approval. **Vote:** Unanimous (5-0).

On a motion by Mr. Chiozzi seconded by Mr. Doherty the Board moved to set the funds to be deposited into a Town sidewalk fund account by the developer of Ferry Crossing/Jillian Way in the amount of \$16,800.00. **Vote:** Unanimous (5-0).

Other Business:

Mr. Materazzo passed out and discussed handouts on possible use changes for industrial areas so that medical clinics would be allowed. He noted that Brickstone Square is zoned IA so medical use is not an allowed use. This would allow for more flexibility. In the Limited Service area a medical use is only allowed by ZBA approval. Any new facilities would still need Planning Board approval. Ms. Chiozzi questioned how the parking would be proven if they no longer have to go to the Planning Board. Mr. Materazzo stated that they would still have to prove to the Inspector of Buildings that they can meet the parking requirements. Mr. Chiozzi questioned how the Town would be able to enforce that.

327-329 Lowell Street:

Mr. Bergeron opened the continued public hearings on 327-329 Lowell Street, a Modification of a Special Permit for Major Non-Residential Project and a Modification of a Special Permit for Watershed Protection Overlay District for a proposed three-story 30,000 s.f. medical clinic with a basement storage located at 327-329 Lowell Street on property owned by Salvatore Lupoli.

Mr. Materazzo noted that the applicant's design team has made revisions to the plans that are being reviewed by DPW. The Town contracted with a traffic consultant firm, GPI, and their engineer is here to discuss the peer review.

Rick Friberg of TEC, an engineer representing the applicant reviewed the drainage comments and stated that they have all been addressed. He gave an overview of the roadway improvements and the planned traffic signal. He showed the widening along Route 133, new sidewalks and a signalized intersection. He stated that their traffic study shows that the traffic signal can accommodate development. A recommendation from the peer review that they will be implementing is the installation of bicycle racks on the property. The peer review also called for the timing of the traffic signal to be modified before and after occupancy. He stated that their traffic study provided three years of crash data with a very low crash rate, about one per year. The peer review called for 5 years of crash data but they see that to be unnecessary. The traffic study projected out traffic for 5 years, but the peer reviewer suggested the projection be for 7 years.

327-329 Lowell Street (cont'd):

Susannah Barnes of GPI, the traffic peer reviewer stated that she wanted to stress that the applicant work with the Town on the timing of the light. She recommended street hatching at the site which has now been incorporated into the plan. She added that she has found that the additional traffic due to Tower II will not impact the signal. If the signal does not go in an impact analysis should be looked at.

Ms. Knowles asked why she recommended that they project traffic out for 7 years. Ms. Barnes stated that MassDOT projects out for 7 years, but the Town does not require that amount of time. Ms. Knowles asked Mr. Materazzo if the 7 years would have been useful. Mr. Materazzo stated that he reached out to the Town Engineer and he is indifferent on that. The Safety Officer has not responded yet. Ms. Barnes added that MassDOT just changed the requirement to 7 years in March. She stressed that it is important to find out if the light will be installed by 2019.

Ms. Knowles asked about the level of service improvements for the 93 Northbound off ramp. Mr. Friberg stated that the level of service will improve on Lowell Street. He added that the level of service on the 93 northbound off-ramp is an F and will remain an F. Ms. Barnes added the queue on the 93 northbound off-ramp will remain significant, but this development will not contribute to that traffic.

Mr. Chiozzi noted that people coming off of 93 and turning left onto Lowell Street have a hard time pulling out because of a steady flow of cars coming in the westbound direction. He asked if the signal can be timed to create gaps to allow those cars pulling out do so easier. Ms. Barnes stated that it cannot and those gaps have to occur naturally.

Mr. Doherty asked if the right hand turn from Lowell Street could be a designated right turn only lane. Mr. Friberg stated that there is not enough land to do that and there is a stream in the area that prevents it.

Mr. Bergeron asked when the signal is supposed to be installed. Mr. Friberg stated that the signal is tied to the 40B that will be constructed on a nearby parcel. Construction is expected to take place in the late spring with completion in the fall. He added that there could be a one or two month overlap where this building is ready for occupancy before the signal is working. Mr. Lupoli, the applicant may fund a public safety officer at that point until the light is operational.

Mr. Doherty asked if it would be possible to put a ramp from the parking lot onto 93 North. Mr. Friberg stated that MassDOT has a no access zone there and will not approve any curb cuts, and there is also a large slope.

Mr. Doherty noted that he was in the area this morning but it was not that bad, however when he went back in the afternoon and the police officer was gone it was a mess. Mr. Materazzo agreed that the Public Safety Officer is concerned about this going forward without a police officer. Ms. Knowles noted that they may need to condition an approval on the signal going in. Mr. Chiozzi stated that they should require it before the 40B opens. Mr. Materazzo noted that this project does not control the timing of the light. Mr. Bergeron asked how they could hinder this project

327-329 Lowell Street (cont'd):

based on another project. Mr. Materazzo stated that he would like to have a Plan B in case there is a hiccup with the traffic signal.

Mr. Friberg stated that it is not desirable for them to not have the light. They may have to come back to the Board, however if the 40B falls through, there will not be as many cars in the intersection. Mr. Chiozzi noted that the IRS is providing the current detail officer and they could stop it at any point. Mr. Bergeron stated that he wouldn't want to make this applicant take full responsibility for the whole intersection. Mr. Doherty asked if any contributions have been made toward the signal from the Tower I project. Mr. Materazzo stated that that a minimal amount has been received from the applicant. Mr. Friberg noted that his firm designed the light that is at Raytheon. He added that Raytheon chose to put a light in instead of have a detail because once the light is built there are no more expenses every month.

Joe Bevilacqua, President of the Merrimack Valley Chamber of Commerce stated that it is sometimes overlooked that a development will serve the Town well. This will serve young families, the old and all in between and will be a calling card for other businesses. Today healthcare needs are greater because people live longer. No one wants to have to travel to Boston. This is a major achievement for residents and the Town will derive tax revenue from it. Quality developers find ways to work things out and this is a quality developer that has local developments that you can touch that serve existing residents.

Paul Salafia of 283 South Main Street stated that he was concerned about the 40B but now he is excited and comfortable that they have pulled the permits and the light will go in. Mr. Materazzo stated that the developer of the 40B has also given the Town \$150,000 for corridor planning, \$110,000 for stormwater mitigation and their building permit was over \$500,000.

Joe Ward, the attorney for Wood Partners, the entity that owns the 40B asked for clarification on if the two Special Permits that were issued for Town I had two different dollar amounts for traffic mitigation. Mr. Materazzo stated that the Tower I Special Permit decisions called for the applicant to give \$25,000 towards the light. The ZBA mitigation for the 40B required the light to be put in place. If Wood Partners installs the light, the \$25,000 from Mr. Lupoli will go to Wood Partners. Mr. Ward stated that his clients have submitted a signal agreement that will transfer ownership of the light to the Selectmen and they are waiting on their signature. Mr. Materazzo asked Mr. Ward if it is his client's intention to put in the light. Mr. Ward stated that his clients bought the permit from a local developer and a detail officer would be a bad thing for everyone. He cannot say when the light will go in because he does not have information on the construction season.

Mr. Doherty stated that from the site walk today he is very impressed with this project. He is concerned about the traffic but feels this project would be a great benefit to the Town. Mr. Salafia added that he has gotten a lot of feedback from residents about these types of services being brought to Town.

Mr. Friberg asked the Board to close the public hearings. Mr. Materazzo and the Board discussed if any more information was needed from the applicant.

327-329 Lowell Street (cont'd):

On a motion by Mr. Doherty seconded by Ms. Knowles the Board closed the public hearings on 327-329 Lowell Street. **Vote:** Unanimous (5-0).

Other Business:

Mr. Materazzo discussed with the Board a potential zoning change for sit down and fast food restaurants. He noted that Dunkin Donuts moved from one shop front in Old Andover Village to the shop front next door and they had to get Zoning Board approval. The ZBA has never denied an application for this. For these uses he would like the Board to consider changing any "BA" to a "Yes" in the table of uses. In the Mixed Use zone he would like the "No" to be changed to a "Yes" because the Mixed Use Zone is near the train station and in the Shawsheen Plaza.

Ms. Knowles informed the Board that she is working with a student intern on the possibility of the Town having community gardens. She is working with the Conservation Commission on multiple sites. This would further the Master Plan and with an allowable fee would not cost the Town anything. Mr. Chiozzi asked what locations they are looking at. Ms. Knowles stated Pray Field near the Wood School, a site near Bald Hill and the new Retelle Reservation on Brundrett. She added that they may have this off the ground by the spring.

Adjournment: The meeting was adjourned at 9:24 p.m.